



ATTORNEYS AT LAW



Robert Greene Sterne
Edward J. Kessler
Jorge A. Goldstein
David K.S. Cornwell
Robert W. Esmond
Tracy-Gene G. Durkin
Michele A. Cimbala
Michael B. Ray
Robert E. Sokohl
Eric K. Steffe
Michael Q. Lee
Steven R. Ludwig
John M. Covert
Linda E. Alcom
Robert C. Millonig
Lawrence B. Bugaisky
Donald J. Featherstone
Michael V. Messinger

Judith U. Kim
Timothy J. Shea, Jr.
Patrick E. Garrett
Jeffrey T. Helvey
Heidi L. Kraus
Albert L. Ferro*
Donald R. Banowitz
Peter A. Jackman
Teresa U. Medler
Jeffrey S. Weaver
Kendrick P. Patterson
Vincent L. Capuano
Eldora Ellison Floyd
Thomas C. Fiala
Brian J. Del Buono
Virgil Lee Beaston
Theodore A. Wood
Elizabeth J. Haanes

Joseph S. Ostroff
Frank R. Cottingham
Christine M. Lhuillier
Rae Lynn P. Guest
George S. Bardmesser
Daniel A. Klein*
Jason D. Eisenberg
Michael D. Specht
Andrea J. Kamage
Tracy L. Muller*
Jon E. Wright
LuAnne M. DeSantis
Ann E. Summerfield
Aric W. Ledford*
Helene C. Carlson
Timothy A. Doyle*
Gaby L. Longsworth
Lori A. Gordon*

Nicole D. Dretar
Ted J. Ebersole
Jyoti C. Iyer*
Laura A. Vogel
Michael J. Mancuso
Registered Patent Agents
Karen R. Markowitz
Nancy J. Leith
Matthew J. Dowd
Aaron L. Schwartz
Katrina Yujian Pei Quach
Bryan L. Skelton
Robert A. Schwartzman
Teresa A. Colella
Jeffrey S. Lundgren
Victoria S. Rutherford
Michelle K. Haloubek

Robert H. DeSelms
Simon J. Elliott
Julie A. Heider
Mita Mukherjee
Scott M. Woodhouse
Michael G. Penn
Christopher J. Walsh

Of Counsel
Kenneth C. Bass III
Evan R. Smith
Marvin C. Guthrie

*Admitted only in Maryland
*Admitted only in Virginia
•Practice Limited to
Federal Agencies

December 10, 2004

WRITER'S DIRECT NUMBER:
(202) 772-8525
INTERNET ADDRESS:
BRIAND@SKGF.COM

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1761

Re: U.S. Divisional Utility Patent Application
Application No. 10/055,430; Filed: January 25, 2002
For: **Malt Beverage Having Stabilized Flavor and Methods of Production Thereof**
Inventors: RANGEL-ALDAO *et al.*
Our Ref: 1390.0070006/JAG/BJD

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17);
2. Credit Card Payment Form (PTO/2038);
3. First Supplemental Information Disclosure Statement and Fee Under 37 C.F.R. § 1.97(c)(2);
4. A listing of the cited documents on form PTO-1449;
5. Copies of the cited documents (AP2, AT17, AL3, AM3, AR18, AS18); and
6. Return postcard.

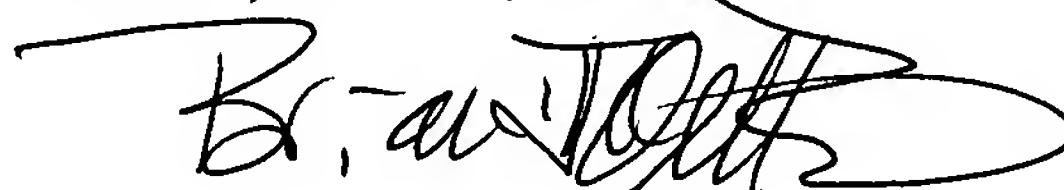
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
December 10, 2004
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

JAG/BJD/SAC/jk
Enclosures

343435



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Rangel-Aldao *et al.*

Appl. No.: 10/055,430

Filed: January 25, 2002

For: **Malt Beverage Having
Stabilized Flavor and Methods
of Production Thereof**

Confirmation No.: 7557

Art Unit: 1761

Examiner: Sherrer, C.

Atty. Docket: 1390.0070006/JAG/BJD

**First Supplemental Information Disclosure Statement and Fee Under
37 C.F.R. § 1.97(c)(2)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each document (exclusive of the cited U.S. patent) is provided.

The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed May 1, 2002, in connection with the above-captioned application.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of non-English language documents **AL3** and **AM3** cited on Form PTO 1449:

Document **AL3**, Mexican Patent No. MX 220172, is in the Spanish language. An unverified English language abstract of document **AL3** is attached as document **AR18**.

Applicants also note that Document **AL3** is the Mexican equivalent of EPO Publication No. EP 0773285 B1, cited herein as Document **AP2**.

Document **AM3**, Mexican Patent No. MX 220173, is in the Spanish language. An unverified English language abstract of document **AM3** is attached as document **AS18**. Applicants also note that document **AM3** is the Mexican equivalent of U.S. Patent No. 6,372,269, of record in the present matter as document **AI2**, and U.S. Patent No. 6,468,567, cited herewith as document **AJ2**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the

Rangel-Aldao *et al.*
Appl. No. 10/055,430

mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

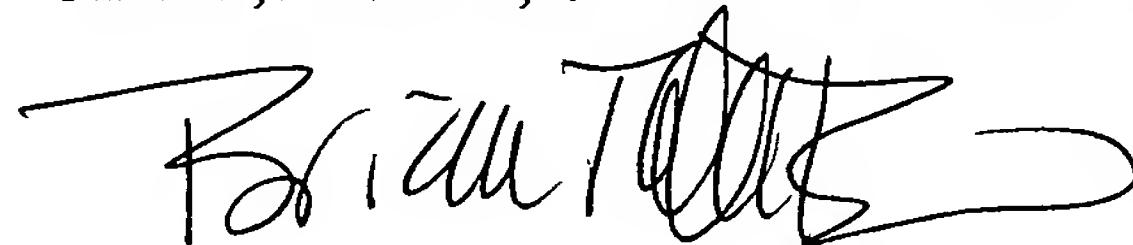
In accordance with 37 C.F.R. § 1.97(c)(2), attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

Date: Dec. 10, 2004
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
340950_1.DOC

O I P E
DEC 10 2004

PTO/SB/17 (10-04v2)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
180.00

Complete if Known	
Application Number	10/055,430
Filing Date	January 25, 2002
First Named Inventor	Rafael RANGEL-ALDAO
Examiner Name	SHERRER, C.
Art Unit	1761
Attorney Docket No.	1390.0070006/JAG/BJD

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None
 **Charge any deficiencies or credit any overpayments in Deposit Account: the fees to Deposit Acct. No. 19-0036.

Deposit Account Number
Deposit Account Name

19-0036**Sterne, Kessler, Goldstein & Fox P.L.L.C.**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)		(\$)	0.00		

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			-3** =	X	=

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)		(\$)	0.00		

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)
180.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Brian J. Del Buono	Registration No. (Attorney/Agent)	42,473	Telephone	(202) 371-2600
Signature		Date	Dec. 10, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



		ATTY. DOCKET NO. 1390.0070006/JAG/BJD	APPLICATION NO. 10/055,430
<u>FIRST SUPPLEMENTAL</u> <u>INFORMATION DISCLOSURE STATEMENT</u>		APPLICANT(S) Rangel-Aldao <i>et al.</i>	
		FILING DATE January 25, 2002	ART UNIT 1761

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ2	6,468,567 B1	10/22/2002	Rangel-Aldao <i>et al.</i>	426	62	09/19/2000
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP2	EP 0 773 285 B1	12/18/2002	Europe			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT	17	Liang, Z-Q., <i>et al.</i> , "Purification and characterization of NADPH-dependent 2-oxoaldehyde reductase from porcine liver. A self-defense enzyme preventing the advanced stage of the Maillard reaction," <i>Eur. J. Biochem.</i> 197:373-379, Blackwell Science Ltd. (1991)

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



FORM PTO-1449

FIRST SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
1390.0070006/JAG/BJD
APPLICATION NO.
10/055,430
APPLICANT(S)
Rangel-Aldao *et al.*
FILING DATE
January 25, 2002
ART UNIT
1761

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL3	MX 220172	04/28/2004	Mexico			Yes <input checked="" type="checkbox"/> No
	AM3	MX 220173	04/28/2004	Mexico			Yes <input checked="" type="checkbox"/> No
	AN3						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>18</u>	Dialog File 351, Accession No. 11283408, Unverified Derwent WPI English language abstract for MX 220172 (Document AM3)
AS	<u>18</u>	Dialog File 351, Accession No. 12533868, Unverified Derwent WPI English language abstract for MX 220173 (Document AN3)
AT		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.